

## **REMARKS/ARGUMENTS**

### **Summary of the Official Office Action**

#### **Claim Rejections**

Claims 1-6, 8-14 and 16-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Binnard (US Pub No. 2006/0001322) in view of Nishino et al. (US Pat. No. 5,338,939).

#### **Traversal of Rejection under 35 U.S.C. 103(a)**

Applicant respectfully traverses the rejection of Claims 1-6, 8-14, and 16-22 under 35 U.S.C. 103(a) as being unpatentable over Binnard (US Pub No. 2006/0001322) [hereinafter referred to as “Binnard”] in view of Nishino et al. (US Pat. No. 5,338,939) [hereinafter referred to as “Nishino”].

Upon review of Binnard, Applicant found that, per the bibliographic section, Binnard is a division of application No. 10/620,672 filed on July 15, 2003, which is now U.S. Patent 6,956,308. An analysis of U.S. Patent 6,956,308 revealed that this patent was filed on July 15, 2003 and does not claim priority to any previously filed United States or foreign patent applications. As such, the earliest filing date attributable to U.S. Patent 6,956,308 is July 15, 2003. In turn, the earliest filing date attributable to Binnard is July 15, 2003.

The present application claims priority to Japanese Patent Application 2003-057104, which was filed on March 4, 2003. The present application’s foreign priority

date claim appears in the present application's corresponding Application Data Sheet and Declaration/Oath, both of which were filed along with the present application on February 23, 2004. In addition, the foreign priority date claim also appears in paragraph 0048 of the present application's Specification.

Since the earliest filing date attributable to Binnard is July 15, 2003 and the foreign priority date for the present application is March 4, 2003, Binnard is not seen to be proper prior art to the present application.

In response to the present Office Action, Applicant submits herewith the verified English language translation of Japanese Patent Application No. 2003-057104 filed March 4, 2003 to thereby perfecting its claim to priority under 35 U.S.C. § 119(a) and antedate Binnard. In addition to the verified English language translation, is a declaration verifying that the English language translation being provided is a correct translation of Japanese Patent Application No. 2003-057104.

Support for claims 1-6, 8-14, and 16-22 is provided in at least the sections of Japanese Patent Application No. 2003-057104 as shown below:

| <u>Claim</u> | <u>JPA 2003-057104</u>             |
|--------------|------------------------------------|
| 1            | Paragraphs 0013, 0025, 0042        |
| 2            | Paragraphs 0013, 0016, 0042        |
| 3            | Paragraphs 0013, 0017, 0033, 0042  |
| 4            | Paragraphs 0022, 0023, 0026, 0042  |
| 5            | Paragraphs 0013, 0022, 0023, 00042 |
| 6            | Paragraphs 0013, 0022, 0023, 0042  |

| <u>Claim</u> | <u>JPA 2003-057104</u>                   |
|--------------|--|
| 8            | Paragraph 0042                           |
| 9            | Paragraph 0038, 0042                     |
| 10           | Paragraph 0038, 0042                     |
| 11           | Paragraph 0038, 0042                     |
| 12           | Paragraph 0038, 0042                     |
| 13           | Paragraph 0042                           |
| 14           | Paragraph 0042                           |
| 16           | Paragraphs 0030, 0036, 0042              |
| 17           | Paragraphs 0027, 0029, 0030, 0036, 0042  |
| 18           | Paragraphs 0013, 0022, 0024, 0033, 0042  |
| 19           | Paragraphs 0013, 0022, 0024, 0033, 0042  |
| 20           | Paragraphs 0014-0020, Figure 5, Figure 6 |
| 21           | Paragraphs 0032, 0042                    |
| 22           | Paragraphs 0013, 0017, 0030, 0033, 0036  |

Turning to the secondary reference relied upon in the present Office Action, Nishino is not seen to disclose or describe each and every element of Independent Claim 1.

Accordingly, Applicant respectfully submits that since Binnard is not proper prior art and Nishino does not disclose or suggest each and every element of Independent Claim 1, the rejection of at least Independent Claim 1 under 35 U.S.C. 103(a) is improper and should be withdrawn for this reason.

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Furthermore, Applicant submits that dependent Claims 2-6, 8-14, and 16-22 are allowable for the reason that these claims depend from allowable Independent Claim 1 and because these claims recite additional features that further define the present invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of dependent Claims 2-6, 8-14, and 16-22 under 35 U.S.C. 103(a) and indicate that these Claims are allowable.

### **CONCLUSION**

In view of the foregoing, it is submitted that none of the references of record, when considered alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in Claims 1-6, 8-14, and 16-22.

Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. 103. Accordingly, allowance of the present application and all the claims therein is respectfully requested and believed to be appropriate.

Applicant's undersigned attorney may be reached at our Irvine, California office at (949) 932-3329. All correspondences should continue to be directed to our below-listed address.

Respectfully submitted

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